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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,640	06/10/2005	Detlev Schmidt	32860-000896/US	3719
30596 7590 10/17/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O.BOX 8910 RESTON, VA 20195			EXAMINER LUEBKE, RENEE S	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/538,640

Applicant(s)

SCHMIDT ET AL.

Examiner

Renee S. Luebke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/10/5 & 9/7/05
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_

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1. The drawings are objected to because the "X" measurement, in Figs. 1 and 4, is not explained in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 1-6 and 9-19 are objected to because of the following informalities:

- The scope of claim 1 is indefinite because there is an inconsistency within the claim. The claim initially indicates that the subcombination, a circuit breaker, is being claimed. Later, the claim contains positive limitations directed toward the busbars to which the circuit breaker is connected, suggesting that applicant intends to claim the combination of the circuit breaker and the busbars. Applicant is required to clarify what subject matter the claim is intended to be drawn to and the language of the claim must be amended to be consistent with this intent.

- There appears to be no difference between claims 2 and 3. Although having different names (and reference numerals) in the claims, the accommodating region 20 and the contact region 38 are the same part. This is reinforced in the figures where the numerals 20, 38 indicate the same part.

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- Similarly, claims 11, 14 and 17 are redundant in view of claims 10, 13 and 16.
- Claims 5 and 13-15 lacks antecedent basis for "the same installation depth." (It is also noted that the specification fails to discuss installation depth.)
- Claims 6 and 16-19 lack antecedent basis for "the form."
- The claims tend to be narrative and do not clearly define structure.

Appropriate corrections are required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 9-19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Horikawa in view of Gryctko '206. the breaker of Horikawa comprises a first contact arrangement 5, 6 for connecting a stationary contact to a first busbar 10, a second contact arrangement 3, 7 for connecting a lever attached contact 15 to a second busbar 11. The busbars both include an accommodating region or contact region, at their central region for the purposes claimed. The device of Horikawa forms a withdrawable circuit breaker as shown in Fig. 1. the similar breaker of Gryctko includes screws 155 to permanently install the breaker. The attachment structure (the screws and the related apertures) are outside of the breaker and do not affect its structure of operation. Since there are often times when a breaker should not be easily removable (vibrating environments, for example), it would have been obvious to include the attachment means of Gryctko as an option on the device of Horikawa.

The recitations of intended use throughout the claims are not seen to impact the claimed structure. Applicant is reminded that recitations of intended use of the claimed invention or its parts must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended uses, as in this case, then it meets the claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Majors discloses structure for connecting a withdrawable breaker in a variety of situations (see Figs. 9 and 10, for example). The terminals 11, 12 of Andre are used inside one arrangement of the device (Fig. 4) and to connect to an external busbar (Fig. 5) in another arrangement of the device.

6. Any response to this action may be mailed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to:  
(571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (571) 272-2009.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.

A handwritten signature in black ink, appearing to read 'R. Luebke', with a long horizontal stroke extending to the right.

Renee S. Luebke  
Primary Patent Examiner  
October 12, 2007